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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON

Plaintiffs,

vs.

DELORES MATTEUCCI, Superintendent of
the Oregon State Hospital, in her individual
and official capacity, PATRICK ALLEN,
Director of the Oregon Health Authority,

Defendant.

Case No. 3:21-cv-01637

**DECLARATION OF JOSHAWN
DOUGLAS-SIMPSON**

I, Joshawn Douglas-Simpson, make the following declaration under the penalty of
perjury, based on my own personal knowledge, and pursuant to 28 U.S.C. § 1746:

1. I am currently incarcerated at the Multnomah County Detention Center.
2. I have been diagnosed with schizoaffective disorder, bi-polar type.

DECLARATION OF JOSHAWN DOUGLAS-SIMPSON - I

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1 3. On May 5, 2021, Judge Nan Waller found me guilty except for insanity on Case
2 No 18CR21237 and committed me to the jurisdiction of the Psychiatric Security Review Board
3 and ordered that I be "IMMEDIATELY" transported to the Oregon State Hospital.

4 4. At first, I thought I would be transported to the Oregon State Hospital within a
5 week of my commitment.

6 5. When two weeks had gone by and I was not transported to the Oregon State
7 Hospital, I became depressed because I learned that I may not go to the Oregon State Hospital
8 for a very long time, if ever.

9 6. In June, 2021 my criminal defense lawyer, Stacey Reding filed a contempt
10 action because I had not been transported to the Oregon State Hospital.

11 7. At the contempt hearing held in July, Mr. Wehr, a witness for the Oregon State
12 Hospital testified that beds would be available for my admission on or before October 1, 2021.

13 8. On September 22, 2021 Judge Waller found the Oregon State Hospital in
14 Contempt for not admitting me and having me transported there. Judge Waller ordered the
15 Oregon State Hospital to transport and admit me to the Oregon State Hospital within seven
16 days of her judgment. She also ordered that the Oregon State Hospital deposit \$100 per day
17 into a trust fund with the Multnomah County Sheriff for each day that I remained in the custody
18 of the Multnomah County Sheriff.
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20 9. On October 1, 2021, my lawyer, Stacey Reding filed another contempt action
21 because I still had not been transported to the Oregon State Hospital. The hearing on that
22 contempt action was held on October 13, 2021.
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1 10. At the October 13, 2021 contempt hearing, Mr. Wehr, testified again for the
2 Oregon State Hospital. He testified that I would be admitted to the Oregon State Hospital in
3 November 2021.

4 11. On October 22, 2021, Judge Waller again found the Oregon State Hospital in
5 Contempt. Judge Waller ordered me transported within five days of October 13, 2021 and
6 ordered the Oregon State Hospital to deposit \$2,500 a day in a Trust Fund with the Multnomah
7 County Sheriff for each day that I remained in the custody of the Multnomah County Sheriff.

8 12. Despite Judge Waller's orders to transport me to the Oregon State Hospital, I
9 have never been transported there.

10 13. I have instead remained in the custody of the Multnomah County Jail
11 continuously since my May 5, 2021 commitment to the Oregon State Hospital.

12 14. I have never once met with an employee from the Psychiatric Security Review
13 Board or the Oregon State Hospital since my May 5, 2021 commitment.

14 15. I have been to the Oregon State Hospital several times and know from my
15 experience there how much better the Oregon State Hospital is than the jail. The Oregon State
16 Hospital allows its patients many more liberties than the jail and treats patients as patients. At
17 the Oregon State Hospital, I am surrounded by doctors, nurses and other medical staff. I can get
18 counseling any time I want. I have a bedroom with no locked door and I can leave my bedroom
19 when I want, even late at night. I get comprehensive therapy at the hospital. The phones are
20 free at the hospital. The hospital staff does not read my mail. The hospital lets me have cash, I
21 can buy things and have them delivered to me. My family can visit me in-person and we can
22 have physical contact. My family can send care packages. I am never shackled at the Oregon
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1 State Hospital. They have free Skype for patients at the Oregon State Hospital. The Oregon
2 State Hospital has a basketball court, a volleyball court, picnic tables, and religious services. I
3 can go outside at the Oregon State Hospital. I feel like they want me to get better at the Oregon
4 State Hospital and treat me like a patient.

5 16. In contrast, at the jail, I am treated like a prisoner and provided only the bare
6 minimum of mental health services. In jail, the correctional deputies are not trained primarily to
7 deal with people like me who suffer from mental health disorders. Instead, the correctional
8 deputies are trained to deal with dangerous criminals who may pose a security threat at any
9 moment.

10 17. In jail, I am locked-up. My family cannot have contact visits with me. The
11 phones are expensive and each phone call is recorded. My cell has a locked door on it. I cannot
12 have any of my personal possessions with me in the jail except the items I buy from
13 commissary. My family cannot send me food or other care package items while in the jail. I
14 cannot have my own money in the jail. I am not allowed to wear my own clothes at the jail. I
15 am not allowed to have more than one blanket at the jail. I cannot order magazines sent to me at
16 the jail. I cannot go outside at the jail. I cannot play volleyball at the jail. At the jail I cannot
17 chat with staff whenever I choose, if I do, I may get into trouble. The jail staff gives me orders
18 and should I not comply, they will discipline me. In order to see a psychologist, I must first fill
19 out a medical request form. After doing this, sometimes right away but mostly in a day or two,
20 a nurse will visit me and ask my why I need to see a psychologist. Only after answering the
21 nurse's questions and only after the nurse agrees that I should see a psychologist, will I be
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1 scheduled to visit with a psychologist. I may then see a psychologist at the jail's convenience.
2 Sometimes this takes a week or more.

3 18. The Oregon State Hospital remains in contempt of court for failing to admit and
4 transport me to the Oregon State Hospital. It is also my understanding that it has not made a
5 single payment as ordered by Judge Waller as a sanction for its contempt.

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7 DATED this 5TH day of November, 2021.

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9 By:  11-5-21
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